

**PLANNING APPROVAL STAFF REPORT****Date: July 6, 2017****NAME**

April Jones

**LOCATION**

2727 Mill Street  
(South side of Mill Street, at the South terminus of  
McLemore Street).

**CITY COUNCIL  
DISTRICT**

District 1

**PRESENT ZONING**

R-1, Single-Family Residential District

**AREA OF PROPERTY**

8,238± Square Feet

**CONTEMPLATED USE**

Planning Approval to amend a previously-approved  
Planning Approval to allow the expansion of an existing  
church to include a daycare center.

**TIME SCHEDULE  
FOR DEVELOPMENT**

Site is developed.

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

The site plan provided does not accurately reflect the  
existing conditions or any proposed improvements. The site appears to share a driveway with  
the adjacent residential lot to the west and there is parking and maneuvering areas in addition to  
what is shown on the site. Parking for employees and drop-off/pick-up should be addressed, as  
on-street parking could become problematic with the site's location in close proximity to the  
intersection of McLemore Street.

**URBAN FORESTRY  
COMMENTS**

Property to be developed in compliance with state and local  
laws that pertain to tree preservation and protection on both city and private properties (State Act  
2015-116 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT  
COMMENTS**

All projects within the City Limits of Mobile shall comply  
with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

**REMARKS**

The applicant is requesting Planning Approval to amend a previously approved Planning Approval to allow the expansion of an existing church to include a daycare center in an R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The review required for Planning Approval examines the applicant's location and site plan with regard to: transportation, parking and access; public utilities and facilities; traffic congestion and hazards; and, to determine if the proposal is in harmony with the orderly and appropriate development of the district.

It is very important to note that the Planning Approval review is site-plan specific; therefore any future changes to the site plan, as approved, by current or future applicants must be submitted for Planning Approval.

The site is surrounded by properties zoned R-1 to the East, South and West, and directly across Mill Street. At the Northwest corner of Mill Street and McLemore Street is a property in a B-3, Community Business District, which is used as a daycare.

The applicant's narrative states the following:

*“After years of taking care of children, I truly discovered my passion. My goal is to provide a safe, nurturing and loving environment for all kids.”*

#### *School Structure*

*We will initially employ three (3) employees.*

#### *Classrooms*

*They will each consist of three (3) infants, toddlers and after school care.*

#### *Nutrition*

*Healthy meals will consist of breakfast, lunch and afternoon snacks.*

#### *Curriculum*

*ABEKA preschool*

#### *Certifications*

*All staff will (be) certified in CPA and all state required training programs.*

This site appeared before the Planning Commission at its May 20, 2004 meeting to allow a church in an R-1 District. The application indicated that the subject site would be a temporary location for the church and church representatives indicated that a new location was expected within 6 to 12 months. That request was approved, subject to the following conditions:

- 1) the structure be brought into compliance with all applicable building, electrical, mechanical, plumbing and fire codes prior to any non-residential occupancy;
- 2) the site be brought into full compliance with all requirements of the Zoning Ordinance, including paved parking, access, landscaping and tree plantings, and signage by January 15, 2005;
- 3) any work on or under the 35” Live Oak in the southeast corner of the property is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger; and
- 4) if conditions 1 & 2 are not complied with in the specified time frames, this approval will expire and become null and void.

The Planning database indicates that no building, electrical, mechanical, plumbing or fire code requests for inspections or submissions for compliance permits were ever attempted prior to the non-residential occupancy. No submissions for site compliance permits were made prior to the January 15, 2005 deadline; therefore the initial Planning Approval became null and void as stipulated.

The applicant again submitted for Planning Approval for the February 17, 2005 meeting to request reconsideration and removal of some of the previous conditions of approval. Focusing on the parking situation, it was noted that church members either walk to church or are provided transportation by church-operated transit. The applicant also provided a letter from the owner of a daycare facility located across Mill Street granting permission for the church to utilize the daycare parking lot. However, that lot did not appear to meet the minimum standards of the Zoning Ordinance. Again, the Commission granted the request with a few changes to the conditions of approval:

- 1) the structure be immediately brought into compliance with all applicable building, electrical, mechanical, plumbing and fire codes within sixty to ninety days;
- 2) the site be brought into compliance with all requirements of the Zoning Ordinance including but not limited to, landscaping and tree plantings, and signage, subject to the letter agreement from daycare regarding off site parking; and
- 3) any work on or under the 35" Live Oak in the southeast corner of the property is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

A database search indicates that a permit for the site compliance was issued on July 1, 2005; however Google Street View does not indicate the planting of a Live Oak in the front yard setback as on the approved tree plan. No indication of the structure being brought into compliance with any building, electrical, mechanical, plumbing and fire codes is found, and no sign permit was obtained for the existing front wall sign on the church.

The site plan submitted with the application is rudimentary and is the same as submitted with the 2005 application. No parking is delineated within the rear area and compliance with Sections 64-4.E.3. and 64-6.2. of the Zoning Ordinance cannot be determined. Also, compliance with the Americans with Disabilities Act (ADA) and the latest International Building Code (IBC) requirements concerning van accessible parking cannot be determined. No dumpster is indicated on the site plan or is there any note pertaining to refuse collection.

Given the fact that the originally-stated time frame for use of the site as a church was for approximately six months to one year and the fact that compliance with the previous conditions of approval was mostly not met, it would seem that the allowance of a use expansion within a residential neighborhood would be out of order. Also, since the proposed use as a childcare facility would warrant the building's compliance with all applicable codes and none of which appear to have been addressed in the past, approval of the proposed use expansion would not seem justifiable.

**RECOMMENDATION**

**Planning Approval:** Based upon the preceding, this request is recommended for Denial for the following reasons:

- 1) the originally-stated use of the site as a church was represented to be of a temporary nature for six to twelve months;
- 2) compliance with the last conditions of approval with respect to tree plantings was not met;
- 3) compliance with the last conditions of approval with respect to signage permitting was not met; and
- 4) compliance with the last conditions of approval with respect to all applicable building, electrical, mechanical, plumbing and fire codes was not met.

# LOCATOR MAP



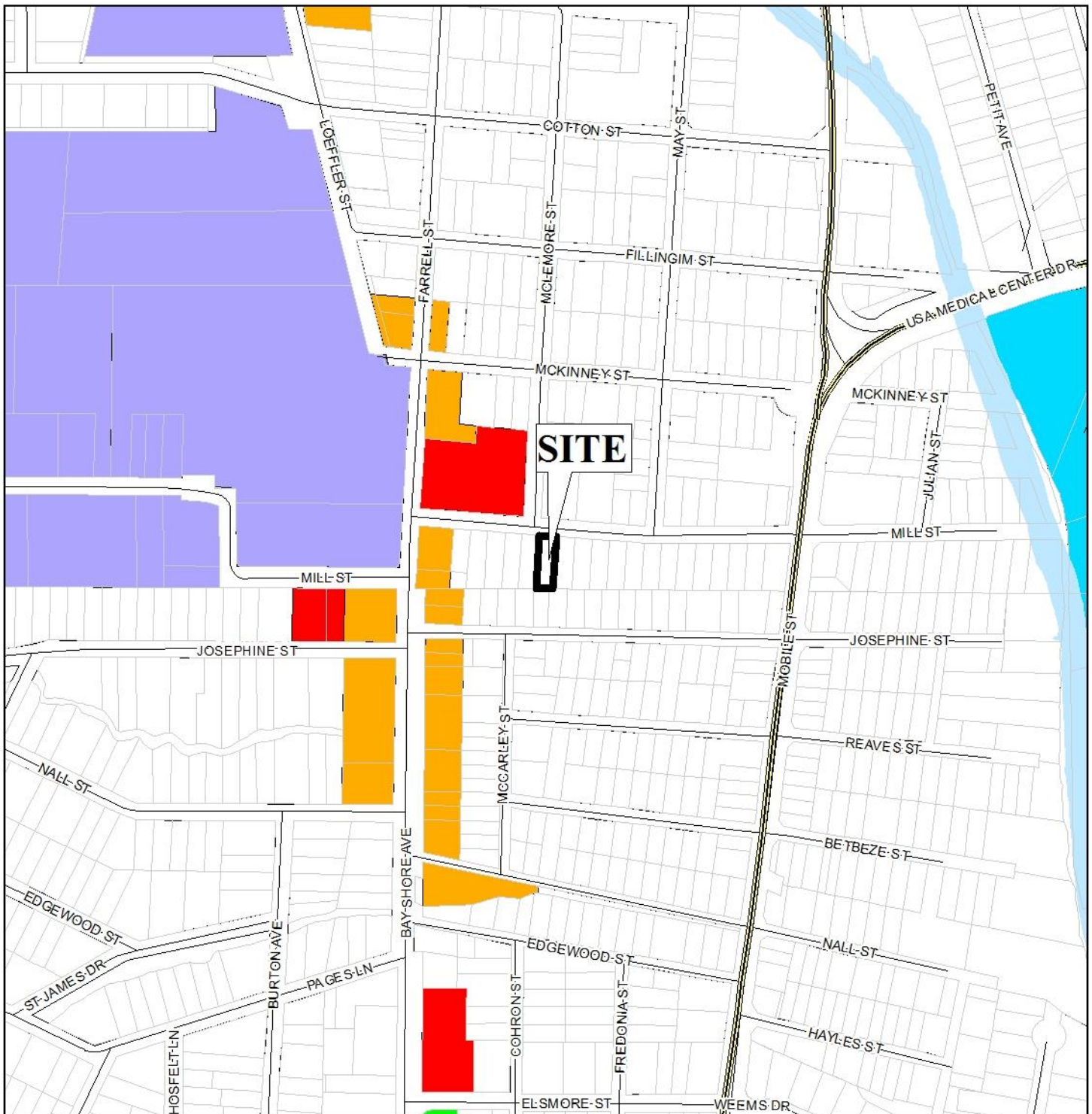
APPLICATION NUMBER 6 DATE July 6, 2017

APPLICANT April Jones

REQUEST Planning Approval



# LOCATOR ZONING MAP



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Commercial units are located to the southwest and a day care is located to the northwest.

APPLICATION NUMBER 6 DATE July 6, 2017

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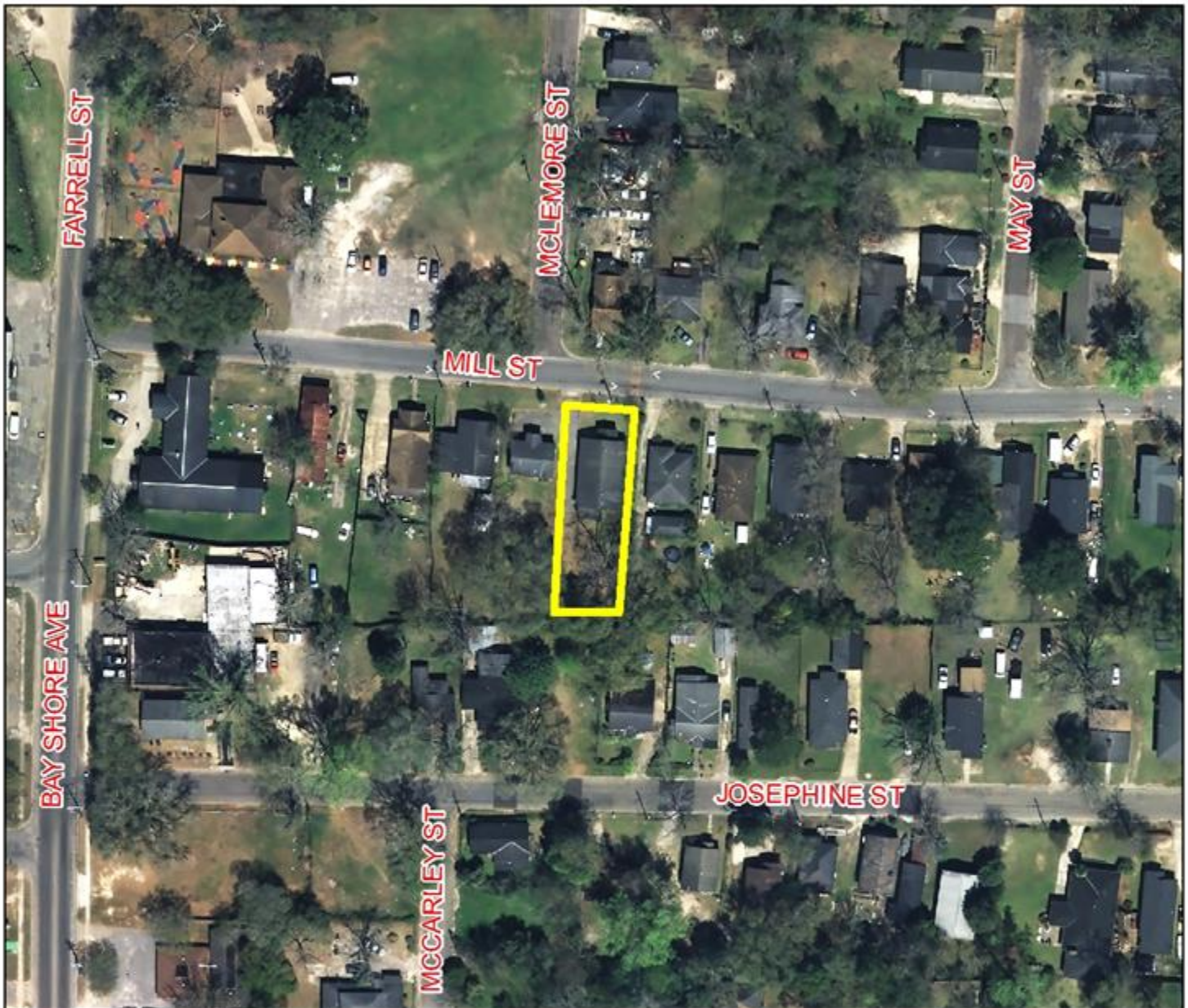
REQUEST Planning Approval

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

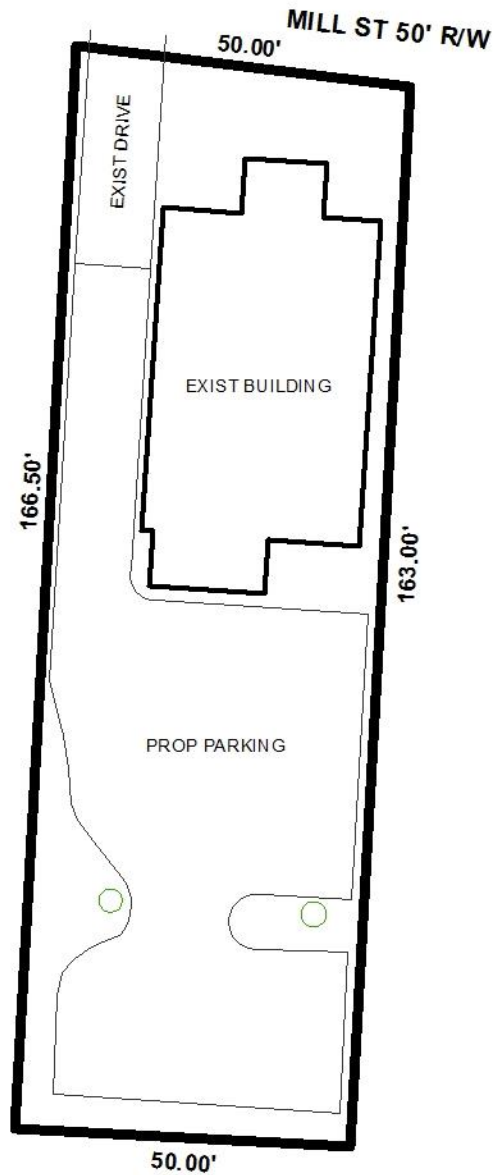


The site is surrounded by residential units. Commercial units are located to the southwest and a day care is located to the northwest.

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# SITE PLAN



The site plan illustrates the existing building, existing drive, and proposed parking.

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